

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ABIRA MEDICAL LABORATORIES
LLC,

Plaintiff,

v.

MERITAIN HEALTH, INC.,

Defendant.

Civil No. 24-3140

ORDER

AND NOW, this 26th day of March, 2025, upon consideration of Defendant's Motion to Dismiss (ECF No. 9), Plaintiff's Response (ECF No. 10), and Defendant's Reply (ECF No. 13), and for the reasons stated in the Court's Memorandum, it is hereby **ORDERED** that Defendant's Motion to Dismiss (ECF No. 9) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion is **GRANTED** as to Count 1. Plaintiff's claim for breach of contract is **DISMISSED** without prejudice.
2. Defendant's Motion is **GRANTED** as to Count 2. Plaintiff's claim for a breach of the covenant of good faith and fair dealing is **DISMISSED** with prejudice.
3. Defendant's Motion is **GRANTED** as to Count 3:
 - a. Plaintiff's fraudulent and negligent misrepresentation claims are **DISMISSED** without prejudice.
 - b. Plaintiff's equitable estoppel claim is **DISMISSED** with prejudice.
 - c. Plaintiff's promissory estoppel claim is **DISMISSED** without prejudice.
4. Defendant's Motion is **DENIED** as to Count 4, quantum meruit/unjust enrichment.
5. Defendant's Motion is **GRANTED** with respect to Plaintiff's request for punitive

damages. Plaintiff's request for punitive damages is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff may file an Amended Complaint consistent with the Court's Memorandum no later than April 16, 2025.

BY THE COURT:



MARY KAY COSTELLO, J.